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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/963,772	09/26/2001	Ronald G. Butcher	60,298-397; ST231	1768

26096 7590 03/17/2004

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EXAMINER

NGUYEN, DANNY

ART UNIT	PAPER NUMBER
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2836

DATE MAILED: 03/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/963,772

Applicant(s)

BUTCHER ET AL.

Examiner

Danny Nguyen

Art Unit

2836

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

Art Unit: 2836

DETAILED ACTION

Claim Objections

1. Claim 3 is objected to because of the following informalities:

Claim 3, line 1, the phrase "said switch". There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 6-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Jayanth et al (USPN 6,615,594).

Regarding claim 1, Jayanth et al disclose a compressor assembly (compressor assembly 10 shown in fig. 1) comprises a compressor driven by a motor (e.g. see abstract), a protector (e.g. protector 54) for limiting operation of the motor and activated upon a predetermined condition (e.g. see abstract and col. 4, lines 7-11); the compressor, the motor and the protector being within a housing (e.g. housing 12), a signaling device (e.g. indicator 110 and 112, col. 5, lines 47-56) signaling the meeting of the predetermined condition to a location outside of the compressor housing.

Art Unit: 2836

Regarding claim 2, Jayanth et al disclose the protector is a motor Protector (see col. 10, lines 53-55).

Regarding claim 3, Jayanth et al disclose the activation of the switch activates the signaling device (e.g. col. 2, lines 30-37).

Regarding claim 6, Jayanth et al disclose the signaling device comprises a light (e.g. LED 110 or 112 shown in fig. 2).

Regarding claim 7, Jayanth et al disclose the predetermined condition relates to an overload condition of the compressor (e.g. col. 4, lines 7-10).

Regarding claim 8, Jayanth et al disclose the signaling device (e.g. 110 and 1120 comprises a terminal post (such as the terminal post shown in fig. 10 where the technician could check the status of the circuit).

Regarding claim 9, Jayanth et al disclose the compressor (10) is a scroll compressor (col. 3, line 40).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 3, 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jayanth et al in view of Colussi et al (USPN 5,618,361).

Regarding claim 3, Jayanth et al disclose the switch (such as contacts shown in fig. 9) and the signaling device (e.g. indicators 110 and 112), but

Art Unit: 2836

Jayanth et al do not disclose the switch is mounted in parallel with the signaling device. Colussi et al disclose a compressor circuit (fig. 2) comprises a switch (21) is connected in parallel with a signaling device (17P). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the circuit of Jayanth with switch and the signaling device are connected in parallel as taught by Colussi in order to provide indication (col. 3, lines 40-44).

Regarding claim 4, Jayanth et al disclose the switch is open, the current will flow to the signaling device. Note that when the fault is sensed, the motor protector is tripped and the current flows to the signaling devices (such as 110 and 112) so that these signaling devices are lit up to indicate the problem (e.g. see col. 2, lines 30-36)

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Danny Nguyen whose telephone number is (571)-272-2054. The examiner can normally be reached on Mon to Fri 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on (571)-272-2058. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2836

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DN

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2/11/2004

BRIAN SIRCUS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800